

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
TUESDAY FEBRUARY 24, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Present: James DeVita, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., George Cayer, R.Ph., Kathy Fabiszewski, Ph.D., N.P., Donald Accetta, M.D., Michael Tocco, R.Ph., M.Ed., Stanley Walczyk, R.Ph., and Joanne Trifone, R.Ph.

Absent: Steven Budish, William Gouveia, R.Ph., M.S.

Staff: James D. Coffey, R.Ph., Dir., Margaret C. Cittadino, Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Admin. Asst., Samuel Penta, R.Ph., Superv. Inv., Cheryl Lathum, Inv., James C. Emery, Inv.

1. 8:30 a.m. CALL TO ORDER - Pres. DeVita.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
Motion/Pasedis to approve September 9, 2008 meeting minutes.
Second/Walczyk. All in favor.
3. 8:40 a.m. LICENSING - Assoc. Dir. Cittadino

Nuclear Pharmacist

Christopher Leon, R.Ph. (MA Pharmacist Lic. No. 25965)

Change of Manager

Ameridose, Westborough (Reg. No. 89641)
Cardinal Health 414, Woburn (Nuclear Pharmacy Reg. No.11)
Critical Care Systems, Burlington (Reg. No. 3328)
CVS 1862, Chestnut Hill (Reg. No. 2712)
CVS 2125, Natick (Reg. No.2763)
CVS 1875, Ashland (Reg. No.3348)
CVS 703, Worcester (Reg. No.24412)
CVS 1132, Newburyport (Reg. No.1734)
CVS 8970, Great Barrington (Reg. No.01230)
CVS 23, Haverhill (Reg. No.23965)
Hannaford Food and Drug, South Easton (Reg. No. 3438)
Pharmerica, Brockton (Reg. No. 3599)
Rite Aid 10213, Swansea (Reg. No.2612)
Rite Aid 10182, Plymouth (Reg. No.2431)
Rite Aid 10202, Fall River (Reg. No. 2387)
Rite Aid 10178, Duxbury (Reg. No. 2382)
Rite Aid 10196, Fairhaven (Reg. No. 3170)
Stop & Shop 085, Worcester (Reg. No. 2710)
Stop & Shop 038, Raynham (Reg. No. 2862)
Walgreens 2738, Fitchburg (Reg. No. 2095)
Walgreens 2330, Newton (Reg. No. 1736)
Wal-Mart 10-2184, Seekonk (Reg. No. 2755)

Renovation/Expansion

Cambridge Health Alliance, Cambridge (renovation) (Reg. No. 3051)
Walgreens 1855, Framingham (renovation/expansion) (Reg. No. 1418)

Closing

CVS 202, Route 1, Walpole Mall, East Walpole (Reg. No. 21024) transfer of records and inventory TO CVS 844, 929 Main St., Walpole (Reg. No. 1402)

Relocation

Fenway Community Health Center (Reg. No. 89642) FROM 7 Haviland St., Boston TO 1340 Boylston St., Boston, MA. 02215

New Wholesale Distributor

Merrimack Valley Medical Supply Co. – Proposed: 284 Lowell St., Lawrence, MA 01841 (formerly Permit No. 377/Exp. 11/30/2008)

Motion/Acetta to approve above applications, subject to compliant inspections and noted conditions. Second/ Fabiszewski . All in favor.
DeVita and Tocco recused from all above CVS applications.
Trifone recused from all above Walgreens applications.
Pasedis recused from the Ameridose application.

4. 8:45 a.m. REPORT OF DIRECTOR - Dir. Coffey
Updates - Implementation of New Licensure/Permit Fees
Pharmacy Technician Renewals
5. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS
File Review – Investigators Penta, Emery and Lathum,
QA Coordinator McKenna

1	20081006-DS-021	Schedule Investigative Conference
2	PHA2009-0017	Reprimand
3	PHA2008-0024	Dismissed/Advisory Letter
4	PHA2008-0033	Dismissed/Advisory Letter
5	PHA2008-0013 Drugstore Pharmacist	Dismissed Dismissed/Advisory Letter
6	PHA2008-031 Drugstore Pharmacist	Dismissed Dismissed/Advisory Letter
7	PHA2008-0014	Dismissed/Advisory Letter
8	PHA2009-0020	Consent for Reprimand

Tocco & Cayer – Recused (exit meeting room): 20081006-DS-021

Trifone – Recused (exit meeting room): PHA2008-0014

6. 9:25 a.m. REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
Review and Discussion of Complaints and Other Matters
Closed Session

9:25 a.m. Motion/DeVita to enter Closed Session. Second/Tocco.
All in favor.

9:50 a.m. Motion/Trifone to exit Closed Session. Second/Walczyk.
All in favor.

Central Pharmacy Boston, Inc. – New Pharmacy Application (compliant inspection completed) - Proposed: 1304-1312A Commonwealth Ave., Boston, MA 02134

Proposed Manager of Record – William P. Flaxer, R.Ph. (No. 15862)

DeVita & Tocco – Recused (exit meeting room)

Motion/Pasedis to approve application. Second/Accetta. All in favor.

7. 9:50 a.m. PHARMACIST APPLICATION (RECIPROCITY)
Appearance - **Avis L. Davis**, R.Ph.

Motion/Walczyk to approve application. Second/Pasedis.
In favor: DeVita, Cayer, Pasedis, Fabiszewski, Accetta, Walczyk
Opposed: Trifone. Abstain: Tocco. Motion passed.

8. 10:15 a.m. INVESTIGATIVE CONFERENCE

Rite Aid Pharmacy #10063, Springfield (Drug Store Permit No. 3009)
Jerry Stanczak, R.Ph., MOR (No. 17471); David J. Fournier, R.Ph.
(No. 16425) - Docket Nos. DS-08-100, 20081010PH-048, 20081014PH-052

Complaint alleged that pharmacy failed to fill a prescription properly on January 2, 2008 by dispensing Warfarin 5mg tablets rather than prescribed Hyzarr 100/25mg; specifically, Warfarin tablets were allegedly dispensed in a prescription vial labeled Hyzarr 100/25mg.

Present: Stanczak, Fournier and Kevin Bellino, R.Ph.

Motion/Pasedis to take matter under advisement. Second.Trifone.
All in favor.

After discussion, **Manager of Record**: Motion/Cayer to issue Advisory Letter (4 continuing education (CE) credits (2 medication error/ 2 CQI) with copy to physician). Second/DeVita. All in favor.

Pharmacist (Fournier): Motion/Cayer to issue an Advisory Letter (with CEs as above). Second/DeVita. All in favor.

9. 11:00 a.m. INVESTIGATIVE CONFERENCE

North Shore Pharmacy Services, Inc./Omnicare Inc., Wakefield
(No. 3009) - Complaint Docket Nos. DS-0729-006, DS-08-012,
DS-08-014, DS-08-019, DS-08-042, DS-08-043, DS-08-093,
20080818DS010 and 20080818DS010

Present: Colleen Caro, R.Ph. (License No. 25341), Attys. Robert Griffith and John H. Bee, Brian Milligan, R.Ph. (License No. 18407).

Additional Complaint Docket No. 20080818DS010 alleges the pharmacy failed to fill a prescription properly on July 25, 2008 by dispensing Oxcarbazine 300mg rather than prescribed Oxcarbazine 150 mg.

North Shore Pharmacy Services, Inc./Omnicare Inc. representatives reviewed Complaint Docket No. 20080818DS010 and additional Complaint Docket Nos. listed above (previously discussed at a May 13, 2008 investigative conference). Pharmacy representatives presented information to the Board regarding actions taken by the Pharmacy since the occurrence of the events alleged in the complaints and matters discussed at previous investigative conference.

Motion/DeVita to take matter under advisement. Second/Trifone. All in favor.

Cayer – Recused (exit meeting room)

10. 12:15 p.m. PHARMACIST APPLICATION (RECIPROCITY)
Appearance - **Cynthia T. Cruser, R.Ph.**

After discussion with applicant, Motion/DeVita to deny reciprocity application. Second/Tifone. All in favor.

11. 12:35 p.m. LUNCH

12. 1:30 p.m. DISCUSSION

Review and Discussion of Proposed Board *Policy on the Appropriate and Effective Management of Pain*

Present: Inv. Lathum; Carol Silvera, MS, RN, Assistant Director, MA Board of Registration in Nursing; Massachusetts Pain Initiative representatives Cindy Steinberg, Jane Gannon and Nancy Knowles; DHPL Dir. Jean Pontikas

Overview of proposed policy presented by Investigator Cheryl Lathum and Carol Silveira. Board members expressed support for policy.

MPI representatives described purpose and intent of policy, which has been/will be adopted by boards of registration for medicine, nursing, dentistry and physicians assistants.

Motion/DeVita to take matter under advisement for review by members and revision as appropriate after discussion. Second/Tocco. All in favor.

13. 2:00 p.m. NEW PHARMACY APPLICATION

Appearance: **Family Pharmacy LTC, Inc.** – Proposed: 63A Main St., PO Box 936, Ashburnham, MA 01430. Ashburnham Family Pharmacy, Inc., 63 Main St., Ashburnham, MA 01430 (No. 3314/Issue Date: 3/11/2004) also licensed and currently operating at this address.

Present: Proposed MOR Albert K. Lee, R.Ph. (No. 232367); Owner Hamid Mohaghegh, R.Ph. (No. 17643), Sean Thompson, Dir. of Operations

Motion/DeVita to approve application, pending inspection. Second/Tocco. In favor: DeVita, Trifone, Tocco, Pasedis, Walczyk. Opposed: Cayer. Motion passed.

14. 2:30 p.m. PHARMACY INTERNSHIP APPLICATION

Appearance - **Brandon E. Glennon**

After discussion with applicant, Motion/DeVita for MPRS evaluation and Board review of assessment results. Second/Trifone. All in favor.

15. 2:50 p.m. PHARMACY TECHNICIAN APPLICATION

Appearance - **Erica L. Kerswell**

After discussion with applicant, Motion/Pasedis to approve application. Second/Cayer. All in favor.

16. 3:15 p.m. NEW WHOLESALE DISTRIBUTOR APPLICATION

Appearance - **Northern General Distributor, Inc.**

Proposed: 24 Walnut St., Suite 102 Wellesley Hills, MA 02481.

Present: Jorge Castillo, designated representative

Applicant proposes to distribute Schedule VI controlled substances (including medical surgical products).

After discussion with applicant representative, Motion/DeVita not to approve application pending receipt/review of additional required application information. Second/Trifone. All in favor.

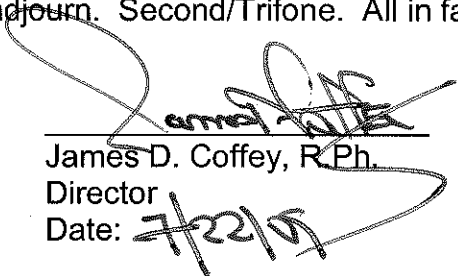
17. NEW BUSINESS

a) **Jamie Marie Dowjat** - Pharmacy Intern Applicant

- Motion/Trifone to approve application. Second/Walczyk. All in favor. Abstain: DeVita.
- b) **Patrick John Birney** - Pharmacy Intern Applicant
Motion/Pasedis to approve application. Second/Cayer. All in favor.
- c) **Steven C. Sutton**, R.Ph. (No. 16958/Exp. 12/31/1978) – Reinstatement inquiry.
Motion/DeVita to complete 1500 internship hours, NAPLEX and MPJE.
Second/Walczyk. All in favor.
- d) **Ezra P. Mell**, R.Ph. (No. 27365): Request re: 2008 CE.
Motion/DeVita to complete 18 CE credits for 2009. Second/Trifone.
All in favor.
- e) **Michelle L. McCrea**, R.Ph. (No. 20675/ Exp. 12/31/2008) -
Complaint Docket No. PH-08-023.
Motion/DeVita to terminate suspension and place license on probation pursuant to Consent Agreement . Second/Pasedis. All in favor.

18. 3:45 p.m. Motion/DeVita to adjourn. Second/Trifone. All in favor.

Respectfully submitted by:


James D. Coffey, R.Ph.
Director
Date: 7/22/09

Reviewed by Counsel: July 2, 2009
Draft approved: July 2, 2009
Board approved: July 14, 2009

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
(G.L. c. 112, s. 65C and G.L. c. 30A, s. 11A)
TUESDAY FEBRUARY 24, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

9:25 a.m. Motion/DeVita to enter Closed Session. Second/Tocco.
All in favor.

Board Counsel Susan Manning provided updates in matters of
Meetinghouse Pharmacy/Baldwin Ihenacho, R.Ph. (Docket Nos. 2008 1023 DS
024 and 2008 1023 PH 054) and Nicholas Creanza, R.Ph. (Docket No. PH-08-
043)

9:50 a.m. Motion/Trifone to exit Closed Session. Second/Walczyk.
All in favor.

Reviewed by Counsel: July 2, 2009
Draft approved: July 2, 2009
Board approved: July 14, 2009